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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,896	09/23/2003	Adam E. Meggitt	283-392.11	2247

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MARJAMA & BILINSKI LLP
250 SOUTH CLINTON STREET
SUITE 300
SYRACUSE, NY 13202

EXAMINER

SMITHERS, MATTHEW

ART UNIT	PAPER NUMBER
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2137

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/669,896

Applicant(s)

MEGGITT ET AL.

Examiner

Matthew B. Smithers

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-31 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/17/04;11/12/04;1/03/05;8/4/05;8/12/05;5/4/06;5/17/06;7/21/06;10/31/06;11/08/06;2/1/07.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements filed February 17, 2004, November 12, 2004, January 3, 2005, August 4, 2005, August 12, 2005, May 4, 2005, May 17, 2006, July 21, 2006, October 31, 2006, November 8, 2006, and February 1, 2007 have been placed in the application file and the information referred to therein has been considered as to the merits.

Specification

The disclosure is objected to because of the following informalities: In the Brief Description of the Drawings, Figure 17 is labeled as 17a-17i, however the drawings show Figures 17a-17j.

Appropriate correction is required.

Allowable Subject Matter

Claims 1-31 are allowed.

The following is an examiner's statement of reasons for allowance: The present invention is directed to a method and apparatus for rapidly copying a memory data image of a portable broadcasting device to one or more receiving portable devices. Independent claim 1 identifies the uniquely distinct features of "a broadcasting portable device having a display and a keyboard, and a memory including a broadcaster kernel,

a broadcaster file system, said broadcaster portable device operable in a user actuatable broadcast mode; wherein said broadcasting portable device, in said broadcast mode includes (a) kernel without file system; (b) file system without kernel; and (c) combined kernel and file system data copying options; wherein said at least one receiving portable device, in said receiving mode includes (a) kernel without file system; (b) file system without kernel; and (c) combined kernel and file system options; and wherein said broadcasting device executes a verbatim copying of said broadcaster kernel to said receiving portable device, without executing a copying of said broadcaster file system when said option (a) kernel without file system is selected in both of said broadcasting device and said at least one receiving device". Independent claim 7 identifies the uniquely distinct features of "controlling said device utilizing single-threaded commands to generate a broadcast option menu user interface screen; selecting a data copy option from said broadcast options menu user interface screen; copying data to at least one other portable device in accordance with said selected option utilizing communication link; and subsequently booting up said main operating system. Independent claim 17 identifies the uniquely distinct features of "an image sensor, said hand held housing encapsulating said image sensor; a control circuit having a memory configured to capture frames of image data and decode decodable symbols therein, and being configured to operate in a broadcast mode of operation; and a main operating system resident on said memory, said device having at least one operating mode in which said control circuit operates in accordance with said operating system; wherein said control circuit in said broadcast mode of operation controls said

display and keyboard utilizing at least one of OS free or single-threaded commands to display a broadcast option menu screen user interface of said display". The closest prior art, Battaglia (US 6,987,927) discloses a method and apparatus for copying data from a memory module to another device fails to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Qumei et al (US 20040194081) discloses a system for updating a mobile handset.

B. Sugimoto et al (US 20020150245) discloses a method for moving data from a memory device to another device.

C. Yu (US 20020066095) discloses a device for updating personalized products.

D. Rajaram et al (US 7,159,214) discloses a method for upgrading software of a wireless communications device.


E. Denby et al (US 6,976,062) discloses a method for automatically upgrading software.

F. Cowan (US 5,848,064) discloses wireless software upgrades of a mobile device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Matthew B Smithers
Primary Examiner
Art Unit 2137